

LOK SABHA

SYNOPSIS OF DEBATES (Proceedings other than Questions & Answers)

Tuesday, March 17, 2020 / Phalguna 27, 1941 (Saka)

THE COMPANIES (AMENDMENT) BILL, 2020

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND
MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS**

(SHRI ANURAG SINGH THAKUR) moved for leave to introduce a Bill further to amend the Companies Act, 2013.

SHRI BHARTRUHARI MAHTAB *opposing the motion to introduce the Bill said :* We had deliberated on this subject a number of times. More than 100 amendments were proposed by the Standing Committee and subsequently, the Government accepted some of them and also added some more. Then, 117 amendments came again to this House with the amendment of this Companies (Amendment) Bill. I would like to mention here that last year, the Companies (Amendment) Bill was introduced, and again now, another amendment is being introduced today. In this new Amendment Bill, the Government has sought to decriminalise and reduce penalties for other offences. Government's argument is that they are promoting 'ease of doing business'. But I would like to ask whether

this is an opportune moment for such steps. We have a large private bank that was about to fail, and is now being rescued. Why is it happening that the Government has to bring amendments after amendments to these laws? Is it because there is an adhocism in approach? If these Bills were referred to the Standing Committee, a holistic view could be taken, and there would not have been any need to come to this house again and again.

PROF. SOUGATA RAY: It seems to me that the Government is heavily influenced by the representatives of the Industry Chambers. Whatever they are saying is good for 'ease of doing business' and it is being accepted. The only thing I want to mention is that one of the great boons of the 2013 Companies Act was that it introduced the concept of the Corporate Social Responsibility. There are many companies which are not observing the Corporate Social Responsibility. Now, they have even relaxed the provisions with regard to the Corporate Social Responsibility. This is lightening and relaxing the corporates in the name of 'ease of doing business'. So, some strict provisions should be there in the Companies Law.

SHRI ADHIR RANJAN CHOWDHURY: The Bill was enacted during the UPA regime but this Government, after various amendments, is trying to decriminalise several offences specified under the Act. The Government is bringing in as many as 75 amendments. The Government is trying to decriminalise the corporate sector only to plunder and loot the country with impunity. This

Government has been diluting the CSR regime in order to facilitate the corporate sector. These are nothing but to appease the corporate sector. That is why, I am opposing the introduction of this Bill.

SHRI ANURAG SINGH THAKUR: This Bill seeks to decriminalise minor procedural and technical defaults which do not involve fraud or injury to the public interest. It is going to reduce the burden on the NCLT for compounding of offences and the criminal court where the prosecutions are today filed for those minor defaults. We could see the number of cases pending in these courts. There are only technical and procedural defaults which are being decriminalized. So, the Government are not reducing the CSR obligations but only easing the procedural requirements. This is the second phase of decriminalisation process which we have started through the Companies Amendment Bill, 2019. The Companies Act, 2013 had been passed in the year 2013 where a number of technical and procedural defaults have been criminalised. We have already made CSR spending mandatory in the Companies (Amendment) Bill, 2019. The issue is that our Government is committed towards ease of doing ethical business and ease of doing honest business which is very important. I think there should be a conducive environment where the industry should grow and generate employment. These amendments are very important if India has to become a five-trillion dollar economy. Therefore, I would request to introduce the Bill.

The Bill was introduced.

***MATTERS UNDER RULE 377**

1. **SHRI CHHEDI PASWAN** laid a statement regarding setting up of mineral based industry in Rohtas district, Bihar.
2. **SHRI ASHOK MAHADEORAO NETE** laid a statement regarding need to run a train between Gondia in Maharashtra and Dongargarh in Chhattisgarh
3. **SHRI DEVAJI PATEL** laid a statement regarding need to link Sirohi district in Rajasthan with air services.
4. **SHRIMATI MALA RAJYA LAXMI SHAH** laid a statement regarding grievances of people of Tehri district Uttarakhand displaced due to Tehri dam.
5. **SHRI S. MUNISWAMY** laid a statement regarding need to construct a Water Storage Reservoir/Dam in Kolar Parliamentary Constituency, Karnataka.
6. **SHRI RAJVEER DILER** laid a statement regarding need to provide stoppage of Swarna Shatabdi Express (train no. 12003) at Hathras Railway Junction, Uttar Pradesh.

* Laid on the Table as directed by Chair.

7. **DR. RAMAPATI RAM TRIPATHI** laid a statement regarding construction of an underpass across railway line in Deoria Parliamentary Constituency, Uttar Pradesh.
8. **SHRI CHATTAR SINGH DARBAR** laid a statement regarding need to formulate a national policy for welfare of farmers in the country.
9. **SHRI GOPAL JEE THAKUR** laid a statement regarding need to take steps for conservation and promotion of Mithila Institute of Post Graduate Studies and Research in Sanskrit Learning in Darbhanga, Bihar.
10. **DR. SUJAY VIKHE PATIL** laid a statement regarding including Ahmednagar under Swadesh and Prasad Scheme.
11. **DR. DHAL SINGH BISEN** laid a statement regarding need to ensure participation of farmers in plantation drive in the country.
12. **SHRI BHANU PRATAP SINGH VERMA** laid a statement regarding four-laning of stretch of NH-27 in Kalpi Nagar in Jaluan Parliamentary Constituency, Uttar Pradesh.
13. **SHRI R.K. SINGH PATEL** laid a statement regarding need to provide adequate compensation to farmers who lost their crops due to adverse weather conditions in Banda and Chitrakoot districts in Uttar Pradesh.

14. **SHRIMATI MEENAKASHI LEKHI** laid a statement regarding increase in virus outbreak.
15. **SHRI GURJEET SINGH AUJLA** laid a statement regarding Income Tax Holiday to textile goods industries.
16. **SHRI H. VASANTHAKUMAR** laid a statement regarding need to sanction funds from the Central Road Fund for repair of State Roads in Kanyakumari district of Tamil Nadu.
17. **SHRI GAUTHAM SIGAMANI PON** laid a statement regarding Levying of GST on Agro Industry.
18. **SHRI S. RAMALINGAM** laid a statement regarding Production of Wind Energy in Tamil Nadu.
19. **SHRI RAGHU RAMA KRISHNA RAJU** laid a statement regarding sanction and release of funds under NREGS to Andhra Pradesh.
20. **SHRIMATI PRATIMA MONDAL** laid a statement regarding making Chandkhali Halt Station functional.
21. **SHRI KAUSHLENDRA KUMAR** laid a statement regarding need to undertake caste census in Census 2021.
22. **SHRI BHARTRUHARI MAHTAB** laid a statement regarding Implementation of MGNREGS in Odisha.
23. **SHRI RAM SHIROMANI VERMA** laid a statement regarding need to establish a Technical University and Research Centre and

Vocational University in Shrawasti parliamentary constituency, Uttar Pradesh.

24. **SHRI P.R. NATARAJAN** laid a statement regarding need to review the decision regarding reduction of ESI contribution.
25. **SHRI MOHANBHAI SANJIBHAI DELKAR** laid a statement regarding reservation of Adivasi people of Dadar and Nagar Haveli in Government jobs.
26. **SHRI N.K. PREMACHANDRAN** laid a statement regarding functioning of Kollam Parvathy Mills.

AIRCRAFT (AMENDMENT) BILL, 2020

THE MINISTER OF STATE OF THE MINISTRY OF HOUSING AND URBAN AFFAIRS; MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI HARDEEP SINGH PURI) *moving the*

motion for consideration of the Bill, said: The amendments which are very specific in nature emanate from the fact that three of the bodies, namely the Directorate General of Civil Aviation, the Bureau of Civil Aviation Security (BCAS) and the Aircraft Accident Investigation Bureau control 'Civil Aviation'. These have been operating under executive order. The Indian Civil Aviation Sector

has grown exponentially. It is today the world's third largest domestic civil aviation market. Today, it is on the way to becoming the world's third largest civil aviation market. But as we have felt for a long time and as our membership of the Chicago Convention and ICAO, their audits have pointed that these three crucial agencies of the civil aviation sector have been operating under an executive order. The need, therefore, is to give them statutory backing and that is a limited purpose of these amendments. Now, it stands to reason that the civil aviation governance structure, which involves not only the Central Government but also all the constituent stakeholders like the DGCA, BCAS and the AAIB, must have statutory provision. They must be constituted under a law, and that is the purpose of this amendment to the Act. I just want to conclude by saying that the civil aviation sector, which has been a critical driver of economic growth so far in all these years, will grow from strength in spite of facing a number of challenges.

DR. M. K. VISHNU PRASAD initiating said: The Bill gives a statutory status to the Directorate of Civil Aviation, the Bureau of Civil Aviation Security, the Directorate General of Civil Aviation and the Aircrafts Accident Investigation Bureau. The Government has the full power to constitute and appoint the Director Generals. There is no doubt about it. In a clause saying that the Central Government can issue the directions to each of these organisations in the public interests. I do not know why is the 'public interest'. Will these three Director General go against the interest of the public? This Government should run in the

interest of the public only. The centralisation of power is the crux of these Amendments. It also enhances the fine to the maximum limit for breaches under this Bill which is from Rs. 10 lakh to Rs. 1 crore. I would like to know whether this fine is applicable to individual or it is applicable to Government agencies like these Director Generals? The Government says that they have 80 sites to be sold and that is how, they can survive. Basically, the aviation sector in recent times is undergoing a turbulent time. This is because of the imposition of heavy aviation fuel tax. Price is not at all standard in the civil aviation sector. The passengers are facing a heavy problem. We will have to have some kind of price regulations because air travel is not a luxury anymore. Air India is facing a lot of difficulties in paying salaries to its employees in time. I would request the hon. Minister to look into the matter. I would urge upon the hon. Minister to consider the proposal of an airport in Cheyyar, which is my constituency. I hope that this Government will pay more attention to it and it comes up with a comprehensive Bill.

SHRI JAYANT SINHA: The Aircraft Act, 1934 was urgently required to be amended in order to sort out the complex issues related to the aviation sector. The aviation sector has witnessed exponential growth. Today, we have 105 operational airports and very soon we will have more than 200 operational airports. We have achieved this unprecedented status so very quickly to become the third largest aviation market domestically in the world and very soon, domestic-plus-international. One of the most important programmes that we have undertaken in

the aviation sector in the last few years is UDAAN *i.e.* 'Ure Des Ka Aam Nagrik'. There is an Air Seva Programme through which any grievance can be logged through a mobile app, through a website and through various forms of social media as well. This is the only such consumer grievance redressal mechanism around the world and this is a notable innovation that we have brought into air travel to make air travel even better. Some years back the Government had introduced 'No Fly List'. All the personnel engaged in the aviation sector have worked day and night in tracking and screening of Corona virus. Although our aviation sector is functioning quite well, 3 important regulatory agencies need to be given statutory recognition. With this Bill these agencies will be made statutory bodies. This will improve our safety ranking. Now, petty offences will become compoundable. This amendment was necessary for reforming this sector. I would request all the Members to support this Bill.

SHRI KALYAN BANERJEE: This amendment will really strengthen the main statute itself. There is a need to make more stringent provisions for the employees of the Airlines. Behaviour of the pilots and crew members with passengers is not at all good. If the Government thinks fit, a law can be brought to deal with the staff misbehaving with the passengers. We are totally against the privatisation of Air India especially because this is not a loss making company and is a national carrier. So, I would urge the Government to reconsider its decision of disinvestment in Air India.

SHRI C. N. ANNADURAI: The objective of this Bill is to improve upon the safety and security standards in this sector. India has the distinction of being the third largest civil aviation market in the world. Our country, being the signatory to the Chicago Convention, is required to ensure international standards of safety requirements for civil aviation. Enhancement of fine from Rs. 10 lakh to Rs. 1 crore for violators of security is justifiable for the sake of enhanced security. Air worthiness aspect of aircraft and proficiency of flight crew and ground engineers is vital for safety and security of the passengers. An airport at Tiruvannamalai under UDAN Scheme may be given priority. I oppose privatisation of Air India. With these observations, I commend that the Bill may be passed after incorporating my suggestions.

SHRI VINAYAK BHAURAO RAUT: Our aviation sector is in crisis for the last several years. In my view the Air India should not be privatised. Today, the Airlines do not treat the passengers properly but there is no provision to take action against them. Passenger safety should be the prime objective. But the security personnel at airports harass the passengers in the name of frisking. There is a need to provide financial support to Air India and not to privatise it.

SHRI PINAKI MISRA: I rise to support this Bill. I am sorry to say that the Government has reduced the budgetary allocation to this Ministry. I don't know how the Ministry will give statutory flavour to the BCAS, the AAIB and the DGCA. It is important for us to come in line with ICAO. Legal teeth have been

given to the Board. India is now at third position in the world in terms of its civil aviation potential. With a huge 400 million strong middle-class the passenger traffic in this country obviously has to boost every single year. Despite that, we have seen that airline after airline has failed in this country. Indian carriers' potential for projected cumulative losses for 2019-20 is supposed to be Rs.7800 crore. India has one of the highest aviation fuel tax in the world. Today, when oil prices are below 30 dollars, I believe this is the time when the aviation sector should be bailed out with aviation fuel cost. I am completely one with the Minister in attempting the sale of the Air India. I do not believe that every nation has a national carrier. Those days are gone. There is no reason for the Government to be in the business of running airlines and hotels. We support this Bill and all the good initiatives and good endeavours which the hon. Minister is bringing in this aviation sector.

SHRI SUNIL KUMAR PINTU: By amending the Section 2 of the Aircraft Act, 1934, Aircraft Accident Investigation Bureau is being set up. I would like to draw the attention of the Ministry that permission is being granted to the flights without proper examination of the condition of the aircraft. There should be a check on the arbitrary charging by the Airlines on ticket cancellation and its modification. The maximum ticket cost may be fixed so that the Airlines may not be able to charge fares arbitrarily. An airport be constructed in Sitamarhi as it is the birth place of Mother Sita. The airport at Darbhanga and Purnia be opened for

public service at the earliest. There is an urgent need for an international airport at Nalanda. I support this Bill.

KUNWAR DANISH ALI: There should be a check on the tickets being sold by the Airlines on exorbitant rates. It should be ensured that those who had to go on Umrah and have cancelled their tickets due to Corona Virus get their money back from travel agents. There should be a Clause in terms of those new airports which are being privatized that the number of passengers, the uses of commercial space and the revenue generated therefrom must be shared with the Government.

SHRI B.B. PATIL: Once these amendments are passed, the Government would have the power to issue directions to review in public interest, any order passed by the DGCA, Bureau of Civil Aviation Security. The Bill intends to regulate the areas of air navigation. It will increase safety and security of air transport in the country. An audit by ICAO showed that the safety score of India declined to 57.44 per cent in 2018 from 65.82 per cent in 2017. The score was far less than Nepal and Pakistan. With the successful implementation of the UDAN scheme, the aircraft carriers and operators have increased. The Government just cannot let a private player exploit different consumers. Aeronautical tariffs and charges need to remain within manageable limits. The Government has approved to set up five small airports in Telangana. I would like to request the hon. Minister to get those approved airports constructed at the earliest.

SHRIMATI SUPRIYA SADANAND SULE: Today, the entire civil aviation industry is going through probably one of its most difficult times. UDAN is a very good scheme but there is connectivity issue at Aurangabad Airport. I am not against privatization at all. But if you sell Air India, will UDAN Scheme still exist? Today, you will have to restructure loans of all these airlines for the reason of fuel prices. So, what is the thinking of this Government about the fuel? It is because the fuel is one of the reasons why these airlines are bleeding. Right now all the airlines are bleeding but banks are not going to wait for the moneys to be paid. So, what are you going to do to make sure that they are alive. Even today, for an airlines flying 5000 hours, still got to go to Singapore because we do not have the infrastructure that this Government had committed for. There are now Drones and Unmanned Aerial Vehicles. What is the safety, security and privacy of them? Will they come under this Bill?

SHRI RAJIV PRATAP RUDY: This Bill contains amendments regarding air navigation service about which I discuss in this House frequently. The best air navigation service of the world – air traffic controllers, with strength of around 3000, is in India. Their role is quite significant in keeping our air travel safe. If ICAO audit is done today of the Patna airport then it will get a poor rating. Looking at the current condition of the Patna airport, the Government has sanctioned Rs.1200 crore but even one per cent of operational advantage of this amount is not achieved. Secondly, in Bihta, neither Boeing 777 nor other Boeing

and Jumbo jets can land, nor CAT-3 can be installed there. New airport is being shifted from Patna to Bihta. There is not even one per cent operational advantage there. Today, in India, we need 1000 pilots but we are able to train only 250 pilots. 750 pilots spend from 70 lakh rupees to one crore on their training abroad. India is losing at least 500 million dollars of its hard currency on training abroad.

SHRI E. T. MOHAMMED BASHEER: There are a lot of crises in the Aviation Sector. For the past one year, the ATF price has been increasing in an alarming way. We have to address this point. I am of the opinion that the Government must have power in controlling the prices of tickets. The Government must also address the high airport charges levied by the AAI. We must have best training for the pilots and other ground staff. But we should be conscious about the social responsibility of aviation companies.

ADV. A. M. ARIFF: There is no need to have DG to control the three authorities already in place. The Centre wants to appoint their own people for the total control of this sector. The Bill has completely side-lined the judiciary which is against natural justice. The Bill does not have clarity on who will be the Appellate Officer. The minimum penalty under this Act has been cut down which is wrong. The aim of this Bill is to help privatisation of Air Sector. The Kerala State is opposing privatisation of Trivandrum Airport. I request you to consider the request of the State Government of Kerala to keep running the Airport at Trivandrum. I would request the Government to issue an Order in case of

cancellation of pre-booked ticket due to Covid-19 there would be no cancellation charges in any of the Airlines.

SHRI BENNY BEHANAN: It is indeed ironical that we can send astronauts to Space in spaceships built in India but cannot build aircraft for our people to travel. There need to be serious efforts to examine this issue. The Government should include aircraft manufacturing technology in its Make in India programme.

SHRI RAGHU RAMA KRISHNA RAJU: I am of the opinion that the penalty should be increased a little more to ensure security. The number of air traffic control staff should be increased. As regards drones, there should be clarity as to how we are going to deal with them. There should be enough security personnel at the counters. Air India's present status should be maintained. The Government should identify some temple cities and develop airports there.

SHRI SYED IMTIAZ JALEEL: The majority of the people in this country wants Air India to continue flying. The passengers' safety and security issues should not be compromised. Some private airlines are operating with faulty engines. This should not be allowed. The Government should make serious efforts to revive Jet Airways. As regards the Hajjis, I would like to say that in my Constituency Aurnagabad all the pilgrims are informed, at the last minute to shell out Rs. 34,000 to fly from the airport. The Government should start international flights from Aurangabad airport.

SHRI M. SELVARAJ: I condemn the move of selling of Air India to private sector parties. The Bill should have a provision explaining what kind of financial compensation can be provided to the critical or dead passenger. An Armed Forces Aircraft was crashed in Chennai. The Ministry should expedite the investigation into the matter and place the report before Parliament. The announcements in the flight have to be made in regional languages too. I request the Government to provide one air station at Nagapattinam. I would also like to request the hon. Minister to provide direct flights from Tiruchirappalli to Delhi.

SHRI N.K. PREMACHANDRAN: The safety and security of air travel should be given utmost priority. Air safety violation or breach of air safety is recurring day-by-day. That has to be dealt with stringent laws. I appeal to the hon. Minister that the aircraft with faulty engine should never be used. I have two other suggestions. One is regarding the airfare. During the festive season very hefty charges are imposed on the person returning from Gulf countries. I would like to seek a reply from the hon. Minister with regard to the Thiruvananthapuram International Airport.

SHRI HANUMAN BENIWAL: I demand that BCAS, DGCA and AAI must also be given enforcement powers in order that they may punish the defaulters. No way should there be any compromise with Civil Aviation Security. Section 12 of the Act should be suitably amended. The security of all the airports of the country should be handed over either to CISF or to some other Government

agency. The private Agencies placed for the security of luggage at the International Airports should be done away with. As regards the move to privatise Air India I would simply say that the Government of India must not hand over Air India to any private entity. On a number of occasions security personnel deployed at the Airport misbehave with the passengers. This aspect should be particularly taken care of.

SHRI P. RAVEENDRANATH KUMAR: I hope merger of these three bodies under the Government would make the functioning of these bodies more effective. At the same time, I would like to inform that there is no regulation in the fare of flight journeys and request the hon. Minister to inform about the monitoring mechanism constituted by the Government to regulate ticket charges being collected by various flight operators. UDAN-RCS seeks to develop a sustainable air network in over 400 Tier-2 cities across India. My Theni Parliamentary Constituency should be included therein. I request the Government to include the airport at Madurai in the list of BASA with several other countries.

SHRI BHAGWANT MANN: I welcome the Aircraft Amendment Bill, 2020 because the law should also be updated with the changing technology. I urge upon the Government to accord top priority to the safety of passengers in the aviation sector and put a check on the compromise with safety standards with a view to earn more profit by private companies. The surge fares levied by the airlines, in view of the demand, should be curbed. There is a need to provide air connectivity from

Chandigarh and Amritsar to Vancouver, Toronto and Melbourne and also set up state-of-art aircraft companies in the country so as to make India self-reliant in Aviation Sector.

SHRI H. VASANTHAKUMAR: There is a need to construct an airport in my Parliamentary Constituency of Kanyakumari and resolve the difficulties coming in its way. I urge upon the Government to restore the picture of Shri K. Kamraj at the Chennai airport of Kamraj Domestic Terminal.

SHRI DNV. SENTHILKUMAR S. : I would like to bring it to the kind attention of the hon. Aviation Minister that in spite of the DGCA's Directives of 2018, no aircraft follows the regional announcements. There are regional advertisements being displayed inside the aircraft but the announcement in the regional language is not given importance. I would like the hon. Minister to take care of students got stranded abroad due to closure of University with the help of Indian Embassies and get them back to India in this pandemic situation.

SHRI SANJAY SETH: I support the Aircraft Act, 2020. A common citizen of the country can fly under the UDAN scheme. I would like to congratulate and express thanks to Department of Civil Aviation who have installed national flag on all airports and taking care of all passengers arriving from abroad in airports of the country in view of Corona virus.

SHRI ADHIR RANJAN CHOWDHURY: The Aircraft (Amendment) Bill, 2020 has the aim and objective of streamlining the lacunae and deficiencies in this

sector. Aviation sector is registering a growth of more than 50 per cent. But there is a shortage of pilots, pilot training institute and even traffic management systems in the sector. The Government should ensure that the whole process of disinvestment of Air India is transparent. Efforts should be made to improve the condition and save Air India. MRO (Maintenance, Repair and Overhaul) facility is a growing industry of the world today, its services can be taken to save Air India. Attention should be paid towards security lapses in Indian airports which are continuing unabated. Economic survey reveals that 2000 airports will be required in the coming 18 years. Hence, the number of Pilot Training Institutes should be increased. Appropriate steps should be taken for drone management which are threat to our security. Air ambulance facility should be provided to common man.

THE MINISTER OF STATE OF THE MINISTRY OF HOUSING AND URBAN AFFAIRS, MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI HARDEEP SINGH PURI) *replying*

said: This amendment is being brought in 2020 to try, to a limited extent, to bring the Indian Aircraft Act of 1934 upto date in the important area of aircraft and civil aviation security, management of the regulator, DGCA. Today, we have no choice but to ensure that these three bodies crucial to the functioning of the civil aviation sector in India, have the position as statutory bodies. The issue of shortage of ATCs has been raised here. We have a total number of 3,500 very qualified Air

Traffic Controllers today. In the last two or three years, we have recruited another 1,000 ATCs and next year, we will be recruiting another 250 ATCs. So, there is no shortage of ATCs. About the issue of affordability of air fares, I want to state that our civil aviation sector today stands deregulated. The Government does not set air fares. Today air travel is no longer a luxury and it is a necessity, so, we have to make sure that air fares are affordable but airlines also must be viable. The cost of the ATF constitutes 40 per cent of the overall operating cost of an airline. Therefore we must rationalize the tax structure on ATF and it needs to be brought under GST with full input tax credit and it should be linked from petrol and diesel. There is some code of conduct inside an aircraft. Therefore, we have Civil Aviation Regulation. The CAR shows complaints of a particular kind need to be addressed. If somebody misbehaves in an aircraft, every airline is required to follow a procedure set out by the DGCA. According to that procedure, the complaint has to come from the pilot of the aircraft who makes the complaint. Then, the aviation company sets up an internal committee. That committee makes the determination. I want to bring the issue of zero tolerance on security. Anyone who threatens the physical security of an aircraft, inside the aircraft, while it is airborne, deserves no consideration. We are taking up with all the airlines collectively and individually that courtesies should be shown to the hon. Members with a separate queue for them to facilitate ticketing and entry etc. I want to address one of the very important issues raised about the DGCA, that is on the

other hand, it says that some particular kinds of incidents have taken place but on the other hand, it is taking no action. DGCA as a regulator was amongst the first globally which started taking cognizance of 320 New Pratt & Whitney Engines and decided that no aircraft would take to the skies unless it has one engine which was otherwise not part of this category. So, these engines have already been changed. Some issues were raised again on affordability. According to IATA's estimate, global aviation may lose between 63 billion US Dollars and 113 billion US Dollars on account of the coronavirus. So we cannot be immune from this virus. In order to make the system viable, the airlines have to survive also. So, we need to take a judicious look at both air fares and the viability of airlines. Air India is a first-rate asset. It has about 120 planes. It flies to 50 international destinations and 80 domestic destinations. It has very well qualified and experienced engineers and pilots. But today Air India's annual loss should be about Rs.7,000 crore to Rs.8,000 crore. It has an accumulated loss of about Rs.62,000 crore. They tied to government, finds themselves at a complete disadvantage vis-à-vis private carrier. A private carrier is will take cut-throat decisions for every dollar on the spot whereas it will have to go through the tendering process and if it does that, it has to face our own agencies thereafter. On the last occasion, our inability to sell Air India was on account of the fact that we wanted to withhold 25 or 26 per cent. We are losing Rs. 26 crore per day. We have decided that we will ensure the interest of staff of Air India. Air India has not recruited for many years. Therefore, there is no

extra staff. In any case, whoever buys the airlines will need the people, the pilots, the engineers, the cabin crew, in order to run the airlines. So, we will ensure that our people who have served the nation with great distinction in Air India are taken care of. Making a particular airport, an international airports all demand-driven. We are willing to setup the infrastructure but those who operate the flight will make a decision based on the business potential and based on the viability of the route. Insofar as Unmanned Aerial Vehicles (UAVs) or drones are concerned, according to current assessment, 3- 4 lakh drones should operate in our airspace. We need a policy in this regard and we have started working in this direction. We also need to make sure that the drones should get registered.

The Bill as amended was passed.

**MEDICAL TERMINATION OF PREGNANCY
(AMENDMENT) BILL, 2020**

**THE MINISTER OF HEALTH AND FAMILY WELFARE, MINISTER OF
SCIENCE AND TECHNOLOGY AND MINISTER OF EARTH SCIENCES
(DR. HARSH VARDHAN) moving the Motion of Consideration of the Bill said:**

This amendment to the Medical Termination of Pregnancy Act, 1971, is proposed with a view to increase upper gestation limit for the termination of pregnancy, and

also for strengthening access to comprehensive abortion care under strict conditions without compromising service and quality of safe abortion. When this original Bill was brought in 1971, India was amongst one of the first few countries in the whole world to legalise abortion in order to provide legal and safe abortion services to women who required to terminate a pregnancy due to certain threptic or humanitarian grounds. However, with the advancements of medical technology for safe abortion, there is a scope for increasing upper gestational limit for terminating pregnancies. This Bill is a step towards the safety and wellbeing of women and will enlarge the ambit and access of women to safe and legal abortion without compromising on safety and quality of care. This Bill also ensures dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy. In the last decade several writ petitions have been filed before various Courts, seeking permissions for aborting pregnancies at gestational age beyond the present permissible limit on the grounds of foetal abnormalities or pregnancies due to sexual violence forced on women. Before bringing this Bill we had a very extensive consultative process with all the possible stakeholders. The Bill provides for requirement of opinion of one registered medical practitioner for termination of pregnancy up to 20 weeks of gestation; requirement of opinion of two registered medical practitioners for termination of pregnancy for 20 to 24 weeks of gestation; enhancing the upper gestation limit from 20 to 24 weeks for such category of women as may be prescribed by rules in this behalf; non-applicability of provisions

relating to the length of pregnancy in cases where the termination of pregnancy is necessitated by the diagnosis of any substantial foetal abnormalities diagnosed by a Medical Board; and strengthening of protection of privacy of a woman whose pregnancy has been terminated. Now, the failure of contraceptive clause has been expanded to woman and her partner. This is a very progressive legislation. It is a long-awaited amendment and it has been discussed in great detail by everyone. On a number of occasions, various courts have mentioned that there should be review of the Medical Termination of Pregnancy Act, 1971 and that is the reason why we have brought this amendment before the august House.

SUSHRI S. JOTHIMANI *initiating said:* Medical Termination of Pregnancy (Amendment) Bill, 2020 is a very significant step in the right direction. The Medical Termination of Pregnancy Act, 1971 is in place in India. Though this Act has legalized abortion with a gestation period of 12 to 20 weeks, it failed to keep pace with the current social, medical and technological developments. Finally, the time has come to amend the 49-year old law on medical termination of pregnancy. This Bill has extended the pregnancy termination time period from 20 weeks in the principal Act to 24 weeks. It has also enhanced the gestation limit for 'special categories' of women which includes survivors of rape, victims of incest and other vulnerable women and minors. It also protects the privacy of women. Significantly, the Bill also applies to unmarried women.

However, I also want to raise certain concerns regarding the Bill. The preference for a male child keeps sex determination centres in business in spite of their illegal status. Women will be forced by their partners or husbands to abort the child. This has to be taken care of. A woman who does not fall into the special category would not be able to seek an abortion beyond 20 weeks, even if she suffers from a grave physical or mental injury due to pregnancy like miscarriage.

Though the Bill has clause for confidentiality, yet does not ensure privacy for women, girls under POSCO due to the requirement of mandatory reporting under POSCO. It can act as a deterrent for adolescent girls from accessing safe abortion services in situations where the perpetrator is a family member. The Bill still does not allow abortion on request at any point after pregnancy. There is an acute shortfall of almost 75 per cent of gynaecologists at CHC level across in the country. In such a scenario, no undue burden should be placed on women and their families to get necessary diagnosis and approval of medical boards. Women members must also be part of the institutional 'committees' comprising of senior medical officers/Chief Medical Officers, consultants from different departments. Awareness programmes must be implemented, especially at the Panchayat level in rural areas.

I would like to request the hon. Health Minister, to address the issue of child pregnancy. The Government needs to ensure that all norms and standardized protocols in clinical practice to facilitate abortions are followed in health care

institutions across the country. It should allow abortion on request of the woman rather than approval of the medical practitioner or board.

SHRIMATI SANGEETA KUMARI SINGH DEO: I support the Medical Termination of Pregnancy (Amendment) Bill, 2020. This Bill assumes greater significance as India aims to bring down the maternal mortality ratio from the current level of 122 per lakh live births to 70 per lakh live births by 2030. I want to say that aborting a 24-week foetus is a huge responsibility and our healthcare systems specially in rural India are not really equipped to handle that. Adequate arrangements for it should be made. Enhancing the upper gestation limit from 20 to 24 weeks for survivors of rape victims, incest minors and other vulnerable women including differently abled women is the necessity for ensuring dignity, confidentiality, reproductive autonomy and justice for women. The Bill is really progressive as it will help a lot of young women to deal with unwanted pregnancies lawfully and in a safe environment. Another very sensitive provision of confidentiality is also laudable. The Bill stands testimony to efforts for empowering women.

SHRI GAUTHAM SIGAMANI PON : The amendment in this Bill proposes to extend the existing twenty weeks to twenty-four weeks in eligible cases with medical conditions is a welcome step. This extension will help out cases of congenital anomaly, lunatic pregnancy, cases of rape, unwed, widow pregnancies and curtail illegal terminations carried out by quacks and consequent loss of

precious lives. I would like to suggest that an all-women board should be constituted to rule on eligibility. The Board must have social scientist counselor also though medical expertise cannot be divided in man or woman but woman's viewpoint may be more valid and compassionate in this regard. I hail from Tamil Nadu where a reformer Shri Thanthai Periyar E.V.R. advocated in 1920s that the pregnancy and childbirth were exclusive right of woman but even today, in the name of religion and belief system, they are restricted. In modern times new problems needs to be handed properly. Its high time an efforts is done for legalizing such matters.

DR. KAKOLI GHOSH DASTIDAR: I support the Medical Termination of Pregnancy (Amendment) Bill, 2020. Our goal is looking at the health of the woman, to reduce maternal mortality rate, and also giving the child a good life. In our country today 56 percent of abortions are unsafe. So, to prevent these maternal deaths, we need safe abortion and that is why this Bill is being brought. We should also have a psychiatrist to counsel the mother. I am suggesting this because sometimes, after foetal sex determination, a woman is forced to undergo abortion. Fast Track Courts must be set up particularly in cases where young girls have been raped and exposed to violence etc. If there is any other medical problem in later pregnancy, they can be given permission for 24 weeks. Otherwise, it should be limited to 22 weeks because till then, the foetus is not so viable. As far as ultrasound is concerned, major anomalies can be detected as early as 14 to 16

weeks. So, we can make ultrasound mandatory for all pregnant women. Maternal disease or foetal disease is a good reason for the abortees to be taken out even at 24 weeks. Rape cases or cases of violence can be taken out at 24 weeks. But for all other cases where the choice is with the mothers, they can easily choose early from 18 weeks, from 20 weeks so that we do not have to take upon ourselves the murder of a child, who was breathing when it was taken out. Instead of two registered medical practitioners, there should be actually two specialist gynaecologists for their opinion when the abortion is being taken up to 24 weeks.

Besides this, in case of rubella and other diseases, which can expose the child to disease and incompatibility in life, then also we can extend this up to 24 weeks. However, it is a very good proposal that the right of the woman is being recognised and she is being given her own choice towards her reproductive health.

KUMARI GODDETI MADHAVI : The current Bill amends the provision of Medical Termination of Pregnancy Act, 1971 and states that a pregnancy may be terminated within 20 weeks with the opinion of one registered medical practitioner. Approval of two registered medical practitioners will be required for the termination of pregnancies between 20 to 24 weeks. The termination of pregnancies up to 24 weeks will apply to specific categories of women as may be prescribed by the Central Government. Another major point that the Bill seeks to improve is the Constitution of a Medical Board. The Bill states that the upper limit of termination of pregnancy will not apply in cases where such termination is

necessary due to the diagnosis of substantial foetal abnormalities. These abnormalities will be diagnosed by a Medical Board. Under the Bill, every State Government is required to constitute a Medical Board. Protection of privacy by law is also another important aspect of this Bill. In all, I congratulate the Government for bringing this Bill while at the same time request the Government to ensure that all norms and standardised protocols in clinical practices are followed throughout the country. Also, the clinics do not encourage the proliferation of sex determination centres and female infanticide.

SHRI CHANDESHWAR PRASAD: The Government is making amendment in the Medical Termination of Pregnancy (Amendment) Bill in which the limit for terminating pregnancy has been increased from 20 weeks to 24 weeks. Now opinion of a registered Medical Practitioner will be required for termination of pregnancy upto 20 weeks of gestation. Provision of stringent punishment has been made for sex determination test. Further provision has been made regarding protection of privacy of a woman and not revealing the name of a woman whose pregnancy has been terminated. This bill is a step towards the safety and welfare of women. My request is that compensation should be provided to the family members of that Pregnant Woman, who dies at the time of abortion. Permission of guardians is required in case of minor girls while terminating pregnancy. Now there will be clear regulation for differently abled women, mentally retarded women and rape victims etc. Hence this step of the Government is highly

commendable. In some states, the annual number of abortions is quite high. This regulation will be beneficial for them. Some children are born with congenital anomalies. It would be appropriate if permission is given for their examination and abortion.

DR. AMOL RAMSING KOLHE: I must congratulate the Government on getting several things right in this Medical Termination of Pregnancy (Amendment) Bill, 2020 especially for raising the upper limit of gestational age of legal abortions from 20 weeks to 24 weeks for special categories of women and completely removing the upper gestational limit for substantial foetal anomalies. This Bill also mentions of constitution of a medical board by the State Government to diagnose substantial foetal anomalies which will comprise of a gynaecologist, a paediatrician, a radiologist but I would like to recommend that there should be a inclusion of a psychiatrist to take care of the psychological trauma of the female. I would like to appreciate the positive inclusion of all women instead of just married ones and also appreciate the sensitivity shown by the confidentiality clause. The Bill strikes out the need of opinion of second medical practitioner for termination of pregnancy upto 20 weeks. The Government should ensure all norms and standardised protocols in clinical practice to be followed in healthcare institutions across the country. There is a need for more providers at lower level of healthcare delivery system. Also, over the counter sale of MTP pills should be banned strictly to safeguard the interests of needy women. The Government should take measures

to spread awareness and also ensure basic quality services like contraception, safe delivery and abortion.

SHRI RITESH PANDEY: I welcome the Medical Termination of Pregnancy (Amendment) Bill, 2020 as it seeks to increase access to safe abortions, especially for women who have suffered from sexual abuse and for pregnancies with foetal abnormalities. Criminalising abortion is not only a mark of our legal system's perplexing and continued post-colonial hangover, it is also an infringement of a woman's reproductive rights. Therefore, abortion needs to be decriminalised and access to safe abortions under the norms should be made available and in certain exceptional circumstances, such as abortions performed without the consent of the pregnant person as well as sex-selective abortions may be criminalised. Criminalisation stigmatizes abortions and forces women to seek unsafe abortions which are often carried out at unregistered facilities by unqualified practitioners. Our abortion laws are doctor-centric and do not consider abortion as a fundamental right. Onus is placed on the doctor or on the registered medical practitioner to determine the legitimacy of a woman's request to terminate her pregnancy. It does not pay heed to the fact that legal safe abortions are a woman's fundamental right as held by Article 21 of the Constitution. I urge upon the Government that the present law should apply to pregnant 'persons' and not just pregnant 'women'. The proposed legislation uses the word 'women' throughout whereas access to safe abortions is critical for transgender – a Bill that the Government has just passed

giving them rights as individuals – inter-sex and gender diverse persons. Therefore, I suggest that the word ‘women’ should be replaced by ‘persons’. I urge upon the Government to redraft India’s abortion law completely with a gender justice and public health access framework in mind.

DR. RAJASHREE MALLICK: I am happy that the Government has come up with certain health measures and the proposed amendments to Medical Termination of Pregnancy Act, 1971 focus on improving the scope of legal access to MTP for special category of women. It also allows abortion on humanitarian grounds. Extending the gestation period beyond 20 weeks will lead to better detection and hence abortion of foetuses with abnormalities can be conducted. I am thankful to the hon. Prime Minister and his cabinet for increasing the abortion limit to 24 weeks instead of 20 weeks.

SHRI FEROZE VARUN GANDHI: I would like to thank the hon. Health Minister for particularly laying emphasis on working with the National Health System's Resource Centre to develop modern training packages for the Accredited Social health Activists, which we call the ASHA, to enable to provide the required information to women at the community level. The Bill also takes into cognizance the importance of the fact that more than 35,000 pregnant women die while giving birth every year in our country. I would like to thank the government, the Prime Minister, Hon. Minister in amending the previous Bill and bringing forth this Bill

which will take our nation one step forward in ensuring the dignity of the Indian women.

ADV. DEAN KURIAKOSE: I am opposing Bill. Abortion is a crime against humanity. The State shall not discriminate persons who have taken birth and persons who are still in the wombs of mothers and permitting to murder a person still in the womb amount to violation of Articles 14 and 21. Any medical practitioner who is supporting unrestricted abortion by providing fake certificates, that medical practitioner should be legally punished.

DR. SHRIKANT EKNATH SHINDE: The Government has brought this Bill to amend the original Medical Termination of Pregnancy Act, 1971. The reason to commend the proposed amendment is its recognition that even unmarried women are entitled to seek legal abortions. The 24 week modification will help a group of women who discover fetal abnormalities after 20 weeks . Such women have access to doctors but the concern is about those who have no access to doctors. Millions of rural women never had access to safe abortion or victims of rape have to resort to unsafe abortion to maintain secrecy. The proposed changes would, therefore, give the much needed relief and save huge expenses. But I would say that the judicial and medical board authorization requirements in such abortion cases endanger women's life. The misuse of the provisions under PCPNDT Act allows the harassment of medical professional providing abortion services. For abortion between 12 and 20 weeks two registered doctors must establish that

abortion is permissible under law. Rural India has a huge shortage of gynecologists.

SHRI KOTHA PRABHAKAR REDDY: The proposed Medical Termination of Pregnancy (Amendment) Bill is the need of the hour and it is a welcome measure. Steps may be taken to ensure dignity, autonomy and confidentiality of women who need to terminate pregnancy with the access of safe and legal abortion services and comprehensive abortion care. As a precautionary measure, opinion of at least two doctors for termination of pregnancy up to 20 weeks may be considered. Proper awareness may be created about this Bill and its implementation in the society through television, newspapers and other means of media.

SHRI P. RAVEENDRANATH KUMAR: 56 per cent of abortions performed in India are unsafe, which is one of the reasons for the increase in pregnant mortality. Therefore, the amendment introduced in the main Act would pave way for regularizing the termination of pregnancy, particularly for victims of sexual harassment. I would like to request the hon. Minister at this moment to take necessary action to increase the number of gynecologists, paediatricians and radiologists, especially in community health centres, besides increasing the number of seats in medical colleges.

SHRIMATI JASKAUR MEENA: I support the Medical Termination of Pregnancy (Amendment) Bill, 2020. I am supporting this Bill because there are cases in rural areas in which women have to resort unsafe abortion. Often this is

done by the quacks. I think this Bill will check the number of women died due to unsafe abortions in the country and also ensure the dignity of the women who need to terminate pregnancy. Clause 5 of the Bill has clarified that the privacy, dignity, autonomy and confidentiality of the women who need to terminate pregnancy would be ensured. I request the Hon. Minister to pay special attention to rural areas while implementing this Bill.

DR. KALANIDHI VEERASWAMY: I would laud the Government for bringing progressive and revolutionary amendments in this Bill. My concern is about the safety of Doctors who are providing this care. There is no amendment in this Bill when it comes to adults who are in need of medical termination of pregnancy. There is a very important issue regarding the safety of Doctors. I would like to know about the protection that Doctors are being offered and if it is the duty of a Doctor to report POCSO cases if it is found in case of a minor.

SHRI NIHAL CHAND CHOUHAN: I support The Medical Termination of Pregnancy (Amendment) Bill, 2020. The gestation period has been increased from 20 weeks to 24 weeks. I would like to know if a Gynaecologist or a board would be setup to examine the case at 24 weeks. Today on every one lakh 122 mothers or children are loosing their lives. I would urge the Government that one reason for the death of children could also be chemical laden water or Uranium and pesticide laden dirty water. Even today we are drinking this water. Measures should be taken to improve the quality of drinking water. So far, "Ayushman Bharat Yojana" has

not been launched in Rajasthan. Dental treatment package has not been included under the Ayushman Bharat Yojana (ABY). I would urge that dental treatment must be included under the AB Yojana.

DR. THOL THIRUMAAVALAVAN: In 2015, 15.6 million abortions have taken place in our country. Out of which 11.5 million abortions have taken place in unhealthy and unhygienic places. This Amendment Bill has been brought to regulate this. I urge that the procedures followed for abortion or medical termination of pregnancy should be simplified. We have to control our population. For which we have to create awareness among the general public about different types of contraceptives. In India atrocities against girls, particularly rape cases against minor girls are on the rise. The Government should come forward to protect the women and girls of this country and also to simplify the procedures meant for abortion.

SHRI RAVI KISHAN: I rise here to speak in support of Medical Termination (Amendment) Bill. This is a progressive decision. A woman must have her right on her own body and this is important. This is in favour of women. This right must be provided to the women pregnant because of rape so that she can terminate pregnancy on her own. This is very important when it is found after sonography that there is some abnormality in foetus and it is not developing properly or the child is handicapped. This Bill will be a milestone in regard to empowerment of women of sexual assault.

THE MINISTER OF HEALTH AND FAMILY WELFARE; MINISTER OF SCIENCE AND TECHNOLOGY, AND MINISTER OF EARTH SCIENCES

(DR. HARSH VARDHAN) *replying said:* Except one, all the Members have supported the Bill. All have agreed that abortion is the major contributor to the maternal mortality rate. This provision is not for extending the term of abortions in normal circumstances. The women who have become pregnant due to certain unfortunate circumstances or their child is likely to remain handicapped for the life, only for such cases the term has been extended from 20 weeks to 24 weeks. Sufficient checks and balances have been put in place even for such cases. All the suggestions would be considered when the rules would be framed. The MTP Act, 1971 already legalizes the abortion of upto 20 weeks. This amendment Bill seeks to extend this period of 20 weeks to 24 weeks . There is no violation of Article 21 in many manner. All the stakeholders and the ministries concerned were consulted before drafting this Bill. In order to ensure safety of these late term abortions, a group of experts need to give an opinion on the procedure and safety of procedures on a case to case basis. Hence, the medical boards are necessary for late term abortions. Although, the decision of termination of pregnancy should be with the women only, the safety and wellbeing of women has been taken into account along with the right of the women.

The Bill was passed.

SNEHLATA SHRIVASTAVA

Secretary General

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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